

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

NEHEMIAH ROLLE, JR.,	:	Case No. 1:19-cv-944
	:	
Plaintiff,	:	Judge Timothy S. Black
	:	Magistrate Judge Stephanie K. Bowman
vs.	:	
	:	
LINTON D. LEWIS,	:	
	:	
Defendant.	:	

**DECISION AND ENTRY
ADOPTING THE REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE (Doc. 7) AND
TERMINATING THIS CASE IN THIS COURT**

This case is before the Court pursuant to the Order of General Reference to United States Magistrate Judge Stephanie K. Bowman. Pursuant to such reference, the Magistrate Judge reviewed the pleadings filed with this Court and, on March 27, 2020, submitted a Report and Recommendation. (Doc. 7). Plaintiff Nehemiah Rolle, Jr. filed objections on May 26, 2020. (Doc. 9). Defendant Linton D. Lewis filed a response to Plaintiff's objections on May 26, 2020. (Doc. 10).

Plaintiff's objections are wholly without merit. Plaintiff's primary objection is that this Court is racist, unjust, and fraudulent. (*See* Doc. 9 at 1). The Court finds it would be inappropriate to address each of Plaintiff's baseless, rambling allegations. Simply put, Plaintiff's objections do not identify any actual errors in the Magistrate Judge's analysis. The Report and Recommendation correctly finds that there are several grounds for granting Defendant's motion to dismiss, including Plaintiff's failure to state

any claim upon which relief can be granted, lack of subject matter jurisdiction, and absolute judicial immunity. (Doc. 7 at 3–4). The Court agrees with the Magistrate Judge’s analysis and recommendation that this case be dismissed.

Additionally, the Report and Recommendation also details Plaintiff’s vexatious litigation history, including his filing of three nearly identical lawsuits against Morrow County, Ohio judges, and at least twenty frivolous actions in New York federal courts. (*Id.* at 4). The Magistrate Judge recommends that the Court issue an order to “show cause” why pre-filing restrictions should not be imposed against Plaintiff under Fed. R. Civ. P. 11(c). (*Id.* at 6–7). The Court agrees that Plaintiff has a history of filing frivolous lawsuits, and that pre-filing restrictions against Plaintiff may be appropriate.

As required by 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72(b), the Court has reviewed the comprehensive findings of the Magistrate Judge and considered *de novo* all of the filings in this matter. Upon consideration of the foregoing, the Court does determine that Plaintiff’s objections (Doc. 9) should be and are hereby **OVERRULED**, and the Court does determine that the Report and Recommendation (Doc. 7) should be and is hereby **ADOPTED** in its entirety.

Accordingly, for the reasons stated above:

- 1) Defendant’s motion to dismiss (Doc. 4) is **GRANTED**.
- 2) Defendant’s motion to transfer venue (Doc. 5) is **DENIED as moot**.
- 3) The Court **ORDERS** Plaintiff to show cause why the filing of the above-captioned complaint does not constitute a violation of Rule 11(b), and why this could Court should not impose pre-filing restrictions against Plaintiff,

including that no further complaint be accepted for filing in the Southern District of Ohio that has not been certified as non-frivolous by an attorney in good standing in this Court or the jurisdiction in which he or she is admitted.

- 4) The Clerk shall enter judgment accordingly, whereupon this case is **TERMINATED** from the docket of this Court.

IT IS SO ORDERED.

Date: 9/28/2020

s/Timothy S. Black
Timothy S. Black
United States District Judge